



*Journal of  
Religion & Society*  
Supplement Series

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The Kripke Center

Supplement 13 (2016)

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## Religion and Identity

Edited by Ronald A. Simkins and Thomas M. Kelly

### 1. The Sabbath, Regimes of Truth, and the Subjectivity of Ancient Israel

Mark K. George, Iliff School of Theology

#### Abstract

How do the different reasons given for Sabbath observance in the Ten Commandments create “Israel” as a particular subject position or subjectivity? Analysis of the work done by the commands and their reasons for Sabbath observance demonstrates that the commands reflect different kinds of subjectivity and truth for Israel. In the Exodus Sabbath command (Exodus 20:8–11), Israel rests on the seventh day because it is a subject of the Creator God, who is sovereign over creation. In the Deuteronomy Sabbath command (Deuteronomy 5:12–15), Israel rests because it is a loyal, docile subject of the suzerain YHWH. These reasons are part of the regime of truth for those who accept and adopt the subject position of “Israel” offered by the commands.

Keywords: Sabbath, subjectivity, sovereign, suzerain, Foucault

## Introduction

Perhaps the best known text of the Hebrew Bible, even the Bible itself, is the Ten Commandments or Decalogue.<sup>1</sup> To say it is the best known is not the same as saying it is the most familiar or most read, only that the Commandments' formulaic expression, "Thou shalt not . . ." or "You shall not . . .," is so well known one need only repeat these words for most people in the United States to recognize the reference. Of course, not far behind is the iconic image of Charlton Heston as Moses in the movie *The Ten Commandments* holding two stone tablets over his head.

It is less well known that there are two accounts of the Ten Commandments, found in two different books of the Bible. One account is in Exodus 20, where these famous words are delivered to Moses by the deity on Mt. Sinai. The other account, in Deuteronomy 5, is Moses' recounting of the deity delivering the Ten Commandments to him while Israel is encamped on the east side of the Jordan River, just before his death and Israel's entrance into Canaan. On the whole, these two accounts are strikingly similar. They have the same commandments in the same order using much of the same terminology. But they are not the same. For all their similarities, they differ noticeably with respect to the Sabbath command.

### *Exodus Sabbath Command*

Remember the sabbath day, and keep it holy. Six days you shall labor and do all your work. But the seventh day is a sabbath to the LORD your God; you shall not do any work – you, your son or your daughter, your male or female slave, your livestock, or the alien resident in your towns. For in six days the LORD made heaven and earth, the sea, and all that is in them, but rested the seventh day; therefore the LORD blessed the sabbath day and consecrated it (Exodus 20:8-11).<sup>2</sup>

### *Deuteronomy Sabbath Command*

Observe the sabbath day and keep it holy, as the LORD your God commanded you. Six days you shall labor and do all your work. But the seventh day is a sabbath to the LORD your God; you shall not do any work – you, or your son or your daughter, or your male or female slave, or your ox or your donkey, or any of your livestock, or the resident alien in your towns, so that your male and female slave may rest as well as you. Remember that you were a slave in the land of Egypt, and the LORD your God brought you out from there with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day (Deuteronomy 5:12-15).

Both Exodus 20 and Deuteronomy 5 call on Israel to keep the Sabbath as a day of rest. The reason for doing so, however, is different. In Exodus, it is because of God's actions in creation: "For in six days the LORD made heaven and earth, the sea, and all that is in them,

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<sup>1</sup> I would like to thank Ronald Simkins, the Kripke Center, and Creighton University for organizing and hosting the Religion and Identity Symposium and for inviting me to participate in it. I also thank the other Symposium participants for their comments and suggestions on an earlier draft of this article.

<sup>2</sup> All biblical quotations are from the NRSV unless otherwise noted.

but rested the seventh day; therefore the LORD blessed the sabbath day and consecrated it” (Exodus 20:11). In Deuteronomy, the reason is because Israel was a slave in Egypt, from where it was delivered by YHWH its God: “Remember that you were a slave in the land of Egypt, and the LORD your God brought you out from there with a mighty hand and an outstretched arm; therefore the LORD your God commanded you to keep the sabbath day” (Deuteronomy 5:15). The differences in the reason why Israel is to keep the Sabbath are significant. Why? What is going on here? More to the point, why do the Ten Commandments differ here, in this commandment, in such a significant fashion, when they share so many other similarities?

Biblical scholars provide a range of answers to these questions, such as noting they come from different sources, that these reasons complement each other (one explains its origins, the other why it is important), that they may be compared with ancient Near Eastern practices and texts, and so on (see, for example, Dozeman: 469-72, 491). These all are useful answers addressing the what and why of the text. But other ways of answering the questions are possible, such as asking how it is that they create Israel as a particular subject position or subjectivity. How, in other words, do these commandments create a relationship between the command itself and the listener such that the listener’s self-understanding is as someone who is the subject to the command and therefore subject of the one issuing the command? How do the commands’ addressees come to feel compelled to obey these commands? And what sorts of subjects do they become as a result? By analyzing how the commands create particular types of relationships with their addressees and create them as subjects to the commands, my argument is that the reasons for Sabbath observance in Exodus and Deuteronomy reflect different kinds of subjectivity for Israel. Consequently they create different types of truth for Israel, different obligations for how individuals come to understand themselves as “Israel” in light of these commands. In the Exodus Sabbath command, Israel rests on the seventh day because it is a subject of the Creator God, who is sovereign over creation. In the Deuteronomy Sabbath command, Israel rests because it is a subject of the suzerain YHWH, whose actions in the past induce its service to this god. How these subjectivities are created is the central concern of this essay. I ask this question not simply because of the theme of this volume but as an opportunity to think through, and think about, what is going on in these different explanations of the Sabbath.

### **The Operations of the Sabbath Commands**

Part of answering how the Sabbath commands create “Israel” as subject is by examining how the commands themselves operate. The commands seek to create a relationship between themselves and those they address in order that those addressees become subject to them. In other words, they seek to govern the addressees, to have authority over them. This process is not unique to the Sabbath commands, since they are part of the Ten Commandments and, in turn, larger literary units that are engaged in the same operations (the Sinai Pericope, Exodus 19:1–Numbers 10:10, and the Book of Deuteronomy). The formation of Israel as a people occurs at Mt. Sinai (Mt. Horeb in Deuteronomy) through the collective agreement by the people to the statutes, commandments, and ordinances

presented to them by the deity, an agreement signaled by the covenant they make with the deity (Exodus 24).<sup>3</sup> Israel is subject to the commands.<sup>4</sup>

How is the relationship between commands and individuals created? There are three operations that are important for my argument.<sup>5</sup> First, the commands establish appropriate behavior for Israel. By calling for Israel to rest on the seventh day of the week, the commands identify and define a particular behavior or conduct for it. As for what exactly qualifies as “rest” beyond not doing any work (*lō’ ta’āsē kol mēlā’kā*; Exodus 20:9-10; Deuteronomy 5:13-14) the commands do not make clear; that is a task left to others.<sup>6</sup> The commands are clearer about who must engage in this behavior: those who become part of Israel. Everyone who is part of Israel – the individual being addressed in the command, his family, his slaves, livestock, even those resident aliens sojourning in Israel’s towns – must rest.<sup>7</sup> Establishing the appropriate behavior thus involves both the action required and who is to perform it. Time and space for Israel also come under the purview of the command. Rest occurs on the seventh day each week, the Sabbath. By requiring resident aliens in Israel’s towns to rest on the seventh day, the commands make space a category of behavior. By specifying what is to be done, by whom, at what time, and where, the commands establish appropriate behavior for Israel. This is the first operation that creates a relationship between the command and Israel.

The second operation the Sabbath commands perform is that they establish the means of evaluating the required behavior. Once the appropriate conduct for the subject position Israel is defined and established, evaluation of that conduct is required. The Sabbath commands establish the ideal behavior – rest – but if it is to be realized in practice, there must be some way to determine whether or not the group engages in it. Evaluation of behavior becomes another means, another operation, by which the commands establish a relationship with individuals and make them subjects, because as Israel they must evaluate their conduct against that of the established behavior.

In the Sabbath commands, the means of evaluation is not laid out in detail; rather, it is implicit. By specifying who is to rest on which day, evaluation becomes possible. This

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<sup>3</sup> This ceremony is not recounted in Deuteronomy, but the people signal their (intended) acceptance, ratification, and formalization of the relationship in Deuteronomy 5:27: “Then tell us everything that the LORD our God tells you, and we will listen and do it.” Commentators generally note this pericope functions to legitimate Moses’ role as mediator between the deity and people (e.g., Tigay: 72-74; Weinfeld 1991: 301, 303). But it does more. It also signals the moment whereby the people both become subject to the command and subjects of YHWH.

<sup>4</sup> By means of this same set of operations, when “Israel” becomes subject to the commands it simultaneously becomes subject of the commandment issuer, as I argue later in this essay.

<sup>5</sup> Here I draw on ideas about the relationship of an individual with the law articulated by Foucault (1983a: 229-52).

<sup>6</sup> The rabbis take up the task of defining what constitutes “work,” unpacking what meets the criterion of rest and doing no work on the Sabbath.

<sup>7</sup> Nelson (83) argues the second person masculine singular addressee is assumed to be free landowners (and, presumably, male and heads of households). Others argue the addressee, while male, is presumed to include his wife and women (see Tigay: 68; Weinfeld 1991: 307-308; Lundbom: 285).

operation of evaluation is greatly aided by the use of lists and categories. Both Sabbath commands separate, distinguish, and categorize classes of persons and beings as part of Israel. As noted above, these include the (male) addressee, children, male and female slaves, livestock, and resident aliens living in Israel's towns (Exodus 20:10; Deuteronomy 5:14).<sup>8</sup> Every person or beast in one of these categories is to rest on the seventh day. The command thus establishes the standard of evaluation: any person or being from these categories *not* resting on the Sabbath is in violation of the command. In other words, defining the required behavior and listing who is to perform it simultaneously establish the means of evaluation.

Implicit in the evaluation process are observation and comparison. All that is required to evaluate Israel's behavior is 1) observing who is resting or not, 2) on what day of the week and, 3) where they are located (in the case of resident aliens in Israel's towns), then comparing those observations with the commands, which function as check-lists of sorts. The commands invite observation, even monitoring, of Israel's conduct. This invitation is extended not only to Israel, but to anyone who learns of the command or, conversely, notices that those in Israel do no work one day each week. The commands' means of evaluating behavior make possible that evaluation by those who are subject to these commands as well as those who are not.

Evaluation of conduct is a judicial operation. Implicit in the Sabbath commands is the penalty for non-observance or compliance: death. The Ten Commandments are apodictic, or absolute, in their literary form. They appropriate a legal literary form familiar from other ancient Near Eastern contexts, redeploy it here, and thereby make possible the means to act on an evaluation.<sup>9</sup> Failure to observe the Sabbath implicitly constitutes a rejection of the blessing of creation (Exodus), or forgetting the deity's actions in Egypt (Deuteronomy). Both merit sanction, the deity's right to exercise his authority over the life of the offender.<sup>10</sup>

On another, more positive note, yet another type of judgment is made possible by the commands. Both commands agree the Sabbath is holy (Exodus 20:8; Deuteronomy 5:12). When Israel observes the Sabbath by resting, it enacts the holiness of this day, embodies and

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<sup>8</sup> Deuteronomy 5:14 further distinguishes who is to rest by naming specifically the donkey and ox and all livestock. Additionally, rest for male and female servants is stressed in this verse through repetition ("so that your male and female slave may rest as well as you"). I discuss the importance of this additional information later in this essay.

<sup>9</sup> For more on this literary and legal form, see Alt; McCarthy. Presumably, enforcement of this behavior is one of the reasons this literary form is appropriated and redeployed here. Because the apodictic literary form implicitly carries the death penalty, a social mechanism of its own, using the form here with its implicit sanction is a means of encouraging and enforcing the desired behavior. This in turn becomes a mechanism within the larger set of obligations an individual must observe if she or he is understanding her or himself to be part of "Israel."

<sup>10</sup> For a reflection and consideration of this right as understood and explained in political theory, see Agamben. Death as a consequence for failure to rest on the Sabbath is supported by Exodus 31:14-15; 35:2. In Numbers 15:32-36, a man who gathers sticks on the Sabbath is condemned to death by the deity, who commands the entire community, *kol hā'ēdā*, to carry out the capital punishment. The divine judgment and finding of the offense as a capital crime is an exercise of divine sovereignty to set right divine authority, which has been challenged. The participation of the entire community signals that the offense also impinges upon the very identity, meaning, and thus truth of Israel, which is defined in part by Sabbath observance.

promotes it, and realizes it in time and space. Israel's conduct actualizes holiness. It is a benefit of observing the command, of accepting and adopting the command and the subject position it creates.<sup>11</sup> That benefit affects individuals, community, time, and space, because all are set apart, which is one of the basic definitions of holy, *qds̄* (Koehler et al.).

The third operation the Sabbath commands perform is establishing the means of self-regulation and self-governing of one's behavior. This operation is what Michel Foucault calls a regime of truth, that is, an obligation or set of obligations laid on an individual to manifest the truth about that person.<sup>12</sup> By means of this obligation, individuals become subjects. They accept the relationship offered by the commands – the definitions of actions, the judicial operations of evaluating and judging actions – thus becoming subjects of the commands and, in turn, subjects to the one who issues them. But these individuals also become subjects to themselves. Foucault notes there are two meanings of the word “subject,” one involving being under the authority or governance of another and thus dependent upon them, the other involving one's conscience or self-understanding (1983b: 212). The Sabbath commands play on both meanings of “subject” even while making possible the process of subjecting oneself to one's own conscience or self-understanding (i.e., being a subject to oneself). Thus it is with the third operation that self-evaluation comes into force, because it produces self-knowledge and self-understanding. For this reason it is an ethical operation, an ethical effect, because it produces within the individual an understanding of that person's truth, or who or what that person is in relation to the command.

This third operation is dependent upon the first two. Aware that the commands define and establish a particular behavior and how conduct may be evaluated, the third operation applies the first two operations to oneself and one's behavior. If an individual is to become part of Israel or remain part of it, that individual must engage in an on-going process of self-evaluation, comparing that person's behavior with what is required by the command. Does the individual rest on the seventh day of each week? This is the question each and every person in Israel must put to themselves. Posing of the question is part of evaluating one's own behavior. Answering the question is how one learns the truth of one's self. Self-evaluation also requires that individuals consider the behavior of others for whom they are responsible. Do children, male and female slaves, livestock, and resident aliens in town rest on that day? Failure to perform this self-evaluation is a violation of the commands, because it leaves open the possibility one's actions, or the actions of those for whom one has responsibility, do not conform to the commands.

By means of these three operations, the Sabbath commands create and establish relationships with the individuals they address. These relationships in turn create those individuals as subjects of the commands, at least if the commands are accepted and adopted. What is noteworthy about the Sabbath commands is that they create subjects of more than

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<sup>11</sup> In Exodus 20:11, observance does even more. It demonstrates conformity with the actions of the deity, who likewise worked six days and rested on the seventh.

<sup>12</sup> Regimes of truth are something about which Foucault talks a good deal later in his life, and thus references to it may be found throughout his publications from this period. One important instance is his lecture of 6 February 1980 at the Collège de France (2014: 93-113, especially 93-100).

just the addressees. These commands expand what it means to be Israel and to take up this subjectivity by defining Israel as the addressee, children, male and female slaves, and resident aliens living in its towns. All are subject to the commands, as subjects created by them. All are Israel insofar as they rest on the Sabbath.<sup>13</sup> In these ways, the two Sabbath commands are similar.

Examination of the similar ways in which the two Sabbath commands operate leads back to the question of why the commands differ with respect to the reason Israel is to rest on the seventh day. Those reasons create different subjectivities for Israel, different subject positions, because they each have different understandings of the truth of Israel. In Exodus, the truth of Israel is that it is a citizen of the cosmos and created order, both of which are governed by Israel's deity, the sovereign and divine creator. At the same time, Israel has a certain social position within creation, a position comparable to being a priest in Israel. As such it has certain obligations placed upon it for how it is to act. To be an Israelite and observe the Sabbath is an Israelite's duty as a subject and servant of this sovereign. In Deuteronomy, the truth of Israel is that it is to be a loyal, docile vassal, subservient to the governance of its deity, a suzerain. The suzerain-vassal relationship employed in Deuteronomy to represent the relationship between the deity and Israel, derived from the literary form of the book, is curious, even shocking, and under-appreciated by scholars. Suzerains are kings who have a superior governing relationship over another king, people, and land. Suzerains are, in short, foreign kings, at least from the vassal's perspective. Therefore, using this literary form to represent and express the YHWH-Israel relationship suggests that YHWH acts as a powerful foreign overlord who took Israel from its subjugation in Egypt and made it part of his empire, one of his people. Absent in Deuteronomy is the privileged social position within this imperial order that Israel enjoys in Exodus. Instead, Israel's duty, its truth, is to remain obedient, a dependable servant and ally to the divine suzerain and his empire. It is an identity and subjectivity enacted and realized in part by Sabbath observance. Each reason for Sabbath observance reflects a different regime of truth for "Israel," a different set of obligations laid on individuals by which they understand and perform their subjectivity. Resting on the Sabbath, evaluating and comparing one's actions with what the commands require, and learning the truth about one's self means something different in Exodus and Deuteronomy. It is to a fuller consideration of those meanings that I now turn.

### **Israel, Subject of the Creator God YHWH, Divine Sovereign**

That the Exodus Sabbath command cites creation as the reason for observance is not a surprise to biblical scholars, who argue the writers of the commandment and the seven day creation account are the same. These are the Priestly (P) writers, one of the sources for the Pentateuch.<sup>14</sup> This account of creation, in Genesis 1:1–2:4a, is the familiar one in which God

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<sup>13</sup> Recalling, of course, that the Sabbath commands are part of the Ten Commandments and Sinai Pericope or Book of Deuteronomy and thus part of a larger compilation of commands, statutes, and ordinances that create "Israel" as a subject position.

<sup>14</sup> I assume an exilic or early post-exilic date for the P writer, but scholars debate the question. A number of summaries of the debate are available (see, for example, Ska: 159-61). While scholars generally agree the

acts each day to create something new over six days before resting on the seventh. Minimally, the P writers maintain thematic consistency in their writing by basing the justification for Sabbath observance by Israel on the original Sabbath rest by the deity in the act of creation.

The P writers, however, are interested in more than thematic consistency. They contribute to the Pentateuch a great deal of material concerned with identifying and detailing what it means to be Israel in the world. For this reason they may be considered “experts” on Israel (they certainly considered themselves to be experts on this topic). They use their expertise to identify and differentiate Israel as a particular subject position, which they define in terms of genealogy, time, cultic actions and requirements, festival calendars, foods to eat or avoid, classes of persons within Israel, and other such behaviors and criteria. The concerns of these writers with defining and maintaining their understanding of Israel have led scholars to take a rather restrictive view of them. Any group so concerned with maintaining categories and boundaries must be rather uptight and have a dour sense of life and existence.

Perhaps the quintessential example of the P writers’ concerns with Israel and its life in the world is the detailed description of the instructions for the building of the tabernacle, the portable tent complex used in the wilderness by Israel’s deity. Some 13 chapters of Exodus (Exodus 25–31, 35–40) are devoted to this description. The tabernacle is situated in the middle of Israel’s camp and is where YHWH’s earthly presence is encountered. Scholars tend to play down the importance of this description for the priestly worldview, arguing that its extensive degree of detail is the result of a longing for the destroyed Solomonic temple and a priestly preoccupation with cultic and ritual space.<sup>15</sup> But this lack of attention comes at a cost, because these narratives reveal a great deal about the P writers’ conceptions of Israel’s social organization and place in the world order. This information is expressed in part through the connections between tabernacle space and creation.

The tabernacle is organized by means of a series of concentric spaces. Moving outward from the smallest space at the center of this complex, there is most holy space, holy space, court space, camp space for the priests, camp space for Israel, and space beyond the camp – the rest of creation. Each space in the complex has a social value, signified by the person or persons who may occupy it. Space and social order are mapped in a homologous order in the narratives, overlapping and reinforcing one another. Most holy space, where the deity dwells, is accessible once a year by the high priest alone. Holy space is inhabited by the priests and high priest because it is where the priests perform their duties, on a daily basis. Court space is inhabited by Israel, from the high priest to the lowliest person, as the place where Israel’s sacrifices and offerings are made. Any person in the congregation (*‘ēdā*) of

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Decalogue is an older source, I follow Dozeman (465, 488-91) in interpreting the Sabbath command motivation in Exod 20:11 to be an addition by P to the original source, one that recalls the P creation account.

<sup>15</sup> The vast majority of Exodus commentaries and commentators treat the tabernacle narratives relatively briefly, despite the significant number of chapters in Exodus that describe this space. A notable exception is Propp.

Israel, in other words, may enter court space.<sup>16</sup> Camp space around the tabernacle is distinguished by the priests' camp space, directly against and around the tabernacle, and the rest of camp space, where the twelve tribes of Israel live, in a prescribed order (Numbers 2–3). Beyond this is the rest of creation, inhabited by all the peoples of the world.

While more might be said about the social nature of tabernacle space (see George), what is of concern here is what it says about Israel as a subject. Conceptually and symbolically, Israel's subject position is established as part of the created order, related to, but distinct from, the rest of creation. In the same way the tabernacle is situated spatially within the larger context of creation space, so too are the people, as the homology of spatial and social maps indicate. Israel is a people, like Assyria and Moab and Egypt are peoples. Israel is one of the peoples of creation and the created order. They share with all other people their human origins in the creation of the first human beings (Genesis 1:26-27). But they also are distinct from other peoples. One of the things that makes Israel distinct is that it has a special relationship, a special role, and therefore subjectivity, in relation to YHWH. Not only did this god create the heavens and earth, this same god delivered this people from slavery in Egypt, brought them to Mt. Sinai, and entered into a covenant relationship with them.

With both the social nature of tabernacle space and the claim that YHWH is the creator god in mind, it is possible to see that the P writers do not have a dour or restricted worldview, as scholars generally argue. On the contrary, it is an inclusive, even expansive, understanding of Israel's place in the world and cosmos. And it is consistent with the P writers' conception of how the world was created. The same God who created the cosmos by a series of words over a six-day period also selected Israel and its ancestors from all the peoples of creation to be *the* people of this creator God. Another people *could* have been chosen, but they were not. Israel and its ancestors were chosen. They are the people set apart for this deity. So Israel is “both-and,” both one of the peoples of the created order and the chosen people of YHWH, the creator god. Despite their chosen-ness, or perhaps especially because of it, the subjectivity of “Israel” very much is as part of the created order.

Returning to the Sabbath command in Exodus, the Priestly understanding of creation and Israel's place in it is part of the command's regime of truth. To be “Israel” is to have a self-understanding that recognizes the importance of creation for who and what one is. It means acknowledging that the god one serves is the god who created everything. This understanding has two implications for the truth of Israel. First, because YHWH is the creator deity, YHWH has a relationship with and responsibility for Israel and also for all of creation. The created order is one initiated and sustained by this god who, as sovereign king, exercises dominion over creation. Creation is the realm of this sovereign God and all of creation is subject to this God. Israel is reminded of this theo-political reality through the Sabbath command and its reference to creation. The P writers' claim, however, goes beyond this, because Israel's particular subjectivity is not yet explained. If all the peoples of the world are subject to the creator god, then what makes Israel special, what make its subjectivity different from that of everyone else?

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<sup>16</sup> It is worth noting here that the “congregation,” in the view of the P writers, includes resident aliens, the *gērîm*.

This is where the second implication for YHWH being the creator God comes into effect. Israel's distinctive subjectivity derives from the fact that it is chosen, set apart, by the creator to be the creator's people. It is another aspect of the truth of "Israel." It is the creator God who makes Israel distinctive among the peoples of the world by having them play a special role among them. Analogous to the role the priests play in the life of Israel, so too do the people of Israel play a role in the life of the peoples of the world, all of whom are part of creation and the created order. Israel is a priestly kingdom and holy nation to this god (Exodus 19:6).<sup>17</sup> This same section of Exodus declares the whole world belongs to YHWH, but Israel is YHWH's treasured possession among them all (Exodus 19:5). This is what sets Israel apart, makes it distinctive and different, gives it a particular subjectivity and truth. Like priests, they are set apart for special service, as YHWH's chosen people.<sup>18</sup> Israel is the subset within the set of all created peoples, the circle within the circle. Resting on the Sabbath, because God rested on the seventh day of creation, acknowledges that creation is part of the truth of Israel, part of its identity and subjectivity. By imitating the deity's rest in creation, Israel's behavior acknowledges and reinscribes YHWH's sovereignty over the creation as well as YHWH's divine, royal freedom to make decisions. It reinscribes Israel's special, distinctive role among all the peoples of creation. And it does so every week, on the seventh day, among all those whose self-understanding is that they are part of "Israel." This is the truth of "Israel" in the Exodus Sabbath command, the regime of truth that shapes Israel's identity and how each individual is to tell the truth about her or himself.

### **Israel, Subject of the Victorious God YHWH, Divine Suzerain**

The Exodus writers' expansive and inclusive understanding of Israel and the created order is not echoed in Deuteronomy. Indeed, the writers of Deuteronomy have little sustained interest in creation at all. Instead, their concern is with Egypt and the deliverance of the people from their slavery and bondage to the Egyptians. Egypt is the stage on which YHWH performed his amazing actions on Israel's behalf. With a mighty hand and outstretched arm, as Deuteronomy likes to phrase it, YHWH brought Israel out of Egypt (4:34; 5:15; 26:8; and with variation in 6:21; 7:8; 9:26). Over and over again Deuteronomy reminds its audience about Egypt and what YHWH did there on Israel's behalf.<sup>19</sup>

The Sabbath command in Deuteronomy replicates this concern with Egypt. Why? For a book in which the setting is Israel poised on the eastern banks of the Jordan River, about to enter Canaan, the promised land, why this concern with Egypt and the past? Because for Deuteronomy, the truth about Israel is to be found in the ways the exodus event fundamentally shaped the nature of Israel's relationship with its god. While the Sabbath command in Exodus appeals to creation because Israel's god is sovereign over creation,

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<sup>17</sup> Although source critics widely agree Exodus 19:6 comes from a different, non-P source, traditionally called JE, I agree with Dozeman (435, 443-47), who attributes Exodus 19:5b-6a to the P source, although my argument about the implications of these verses is different. This is an example of how the P writers appropriated, adapted, and redeployed other materials within their own schema.

<sup>18</sup> Dozeman (446) makes a similar argument and analogy.

<sup>19</sup> Egypt and the Egyptians are invoked 49 times in the book.

Deuteronomy has a different understanding of the political role of Israel's god to Israel. YHWH is more than Israel's sovereign. YHWH is Israel's suzerain.

For some time now biblical scholars have accepted the argument that ancient Near Eastern suzerainty treaties provide the formal literary model and structure for the book of Deuteronomy (see Mendenhall; Mendenhall and Herion; Berman 2011; 2013; Weinfeld 1991; 1992; Wiseman).<sup>20</sup> A stronger king, the suzerain, makes a treaty with a weaker, subjugated king (and people) who becomes a vassal to the suzerain. But whereas a human king from one people is the suzerain over another people (the vassal) in most of the comparative evidence, Deuteronomy represents YHWH as the suzerain. Israel, of course, is the vassal.<sup>21</sup>

Despite acknowledging the suzerainty treaty form for Deuteronomy, biblical scholars are quick to blur the political distinction between YHWH as sovereign and YHWH as suzerain (see Weinfeld 1991: 7-9). But sovereignty and suzerainty are not the same. A king may be a sovereign without being a suzerain, but a king cannot be a suzerain without also being a sovereign.<sup>22</sup> Sovereigns rule over their own people and lands. Their duties and responsibilities are (or are supposed to be) for the protection of their people and lands from threats foreign and domestic, conducting war, establishing and maintaining peace, the administration of justice and jurisprudence, assuming their proper role in the cult, supporting the cult, and a host of other responsibilities. Beyond these official duties, a sovereign must ensure the betterment of his people and subjects. A sovereign's own people and lands are of primary concern.

The interests and concerns of a suzerain are different. In no small measure this is because the suzerain-vassal relationship is an imperial one. It is a relationship between kings of different lands (and their respective peoples), and as such a matter of international relations and diplomacy.<sup>23</sup> Therefore it is a more distant and indirect relationship than that of a sovereign and subjects. A suzerain rules both his own people and lands (as sovereign) as well as other people and lands.<sup>24</sup> But whereas sovereigns are expected to provide and care for

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<sup>20</sup> Some debate exists concerning which form of suzerainty treaty is the most likely historical model, Hittite or Neo-Assyrian. While scholars tend toward the Neo-Assyrian, many recognize Deuteronomy appropriates and redeploys elements of both forms (e.g., Weinfeld 1991: 9). It is not pertinent to my discussion to take a position on this debate.

<sup>21</sup> There is one extant suzerainty treaty from the Hittite empire that attests to a suzerain-vassal relationship being made between a king (Arnuwanda I of Hatti) and a group of men (the men of Ismerika; Beckman: No. 1A).

<sup>22</sup> Jon D. Levenson (71-74) argues similarly, although his discussion of sovereignty and suzerainty is part of a larger focus on covenant and the differing textual views of kingship in the Hebrew Bible.

<sup>23</sup> I do not use the term "state" here because of the other connotations and meanings it introduces.

<sup>24</sup> Who or what might be the people and lands over whom YHWH is sovereign is not entirely clear. Textual references in Deuteronomy to the ancestors to whom YHWH made promises of land support the general scholarly assumption that Israel, both people and land, are the ones over whom YHWH is sovereign. This is a possibility, but it stands in tension with the suzerainty treaty form of Deuteronomy, which casts YHWH in the role of suzerain and Israel in the role of vassal, rendering Israel other than YHWH's people as sovereign. Given Deuteronomy's so-called name theology, the emphasis on YHWH establishing his name in a particular place (e.g., Deuteronomy 12:5, 11, 21; 14:23-24; 16:2, 6, 11), perhaps the implication is that YHWH lives and rules in

their people, who are their primary concern, suzerains have a different relationship with vassals. Two primary interests and concerns are at issue for a suzerain in the suzerain-vassal relationship: the vassal's loyalty and docility. The comparative evidence of vassal treaties from the ancient Near East attests again and again that vassals are called upon to remain loyal to the suzerain.<sup>25</sup> They are to provide military aid and support to the suzerain when needed, to report any and everyone who speaks ill of the suzerain or his heir, and perform other actions that demonstrate their loyalty to the suzerain.<sup>26</sup> A vassal is most valuable when docile and malleable, compliant to the suzerain's wishes, will, and needs – and nothing else. Evidence of such docility and loyalty is made annually in the payment of taxes and tribute. The general well-being of the vassal is not a primary concern, distinguishing the vassal's subjectivity from that of a sovereign's subjects.

Returning to the Sabbath command in Deuteronomy, the suzerainty treaty background of the book is part of the command's regime of truth. Israel's self-understanding and self-knowledge is as YHWH's vassal. Remembrance of the divine act of deliverance from slavery in Egypt recalls the initial act of the suzerain toward the vassal. Deuteronomy recounts how YHWH delivered the people from Egypt and made them his own (4:20), something the writers claim is highly unusual (4:34). This is the initial act of the suzerain-vassal relationship for Israel.<sup>27</sup> Thus Deuteronomy's repeated references to this event function as a means of recalling why Israel owes its loyalty and docility to YHWH: because it is YHWH's vassal.<sup>28</sup> This is what is surprising about Israel's subjectivity in Deuteronomy, because the self-understanding that one is a vassal of YHWH's simultaneously requires an understanding that YHWH is a suzerain and thus somehow foreign – other/Other – to Israel. Perhaps this foreignness derives from the act in which the peoples and lands of creation are apportioned according to the number of the gods and Israel, both land and people, are assigned to YHWH as YHWH's portion (Deuteronomy 32:8-9). Alternatively, the references to Egypt may suggest YHWH is the foreign ruler over Israel in the sense that Israel no longer is subject to Pharaoh. Whatever the explanation, if Israel's subjectivity is as a vassal of YHWH the suzerain, it means YHWH's interests in Israel are restricted. What has happened for "Israel" in the exodus event is a change of subjectivity, from being subjects to Pharaoh in Egypt to

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heaven as sovereign, thereby making his rule over Israel analogous to a suzerain ruling over a different people and land. This would support scholarly arguments that Israel's kings are "princes," *nāgid* (e.g., 1 Samuel 25:30; 2 Samuel 6:21; 7:8), with respect to the divine king.

<sup>25</sup> Most of this evidence comes from the Hittites in the 14<sup>th</sup>-13<sup>th</sup> centuries BCE and the Neo-Assyrians in the 8<sup>th</sup>-7<sup>th</sup> centuries BCE. For a number of texts of suzerainty treaties, see Beckman: 11-124, notes 1-18C; Parpola and Watanabe.

<sup>26</sup> See for example Beckman: Nos. 1 §5, 1A §§9, 11, 5 §§3-4, 6; Parpola and Watanabe: Nos. 2 §iv, 6 §§5, 10, 12-14, 9 ll. 21-25.

<sup>27</sup> King Ahaz's appeal to Tiglath-Pileser III for help (Isaiah 7-8) during the Syro-Ephraimitic War (735-32 BCE) is an analogous situation, in that this appeal signals the beginning of Judah's vassal relationship to the Neo-Assyrian king.

<sup>28</sup> Levenson (43) argues similarly for the function of the historical prologue and recitation by Israel, that it affirmed YHWH's suzerainty as demonstrated by observing the commands, what I call becoming subject to them.

being subjects of YHWH, who took them out of Egypt and is about to give them land for their use in their new servitude.<sup>29</sup> Moving people about throughout the empire is what suzerains do. Deportation and relocation was a policy action of both the Neo-Assyrian and Neo-Babylonian empires. The policies of YHWH's empire are no different in this respect. When the peoples of one land displease the suzerain, they are removed and a different people of the empire are moved into the land to dwell in it as vassals. The same fate will befall "Israel" if it fails to remain loyal and docile to the suzerain (Deuteronomy 6:10-15; 7; 8:6-20; 9:4-5).

This is the truth of Israel and its subjectivity in Deuteronomy. The deity Israel worships (in Hebrew the term is "serves," *'abad*) is the suzerain God. Like the creator god of Exodus, this deity has larger responsibilities than those to Israel, although presumably of less scope than all of creation.<sup>30</sup> Thus when Deuteronomy's Sabbath command calls on Israel to observe the Sabbath, keep it holy, and remember it once was a slave in Egypt, doing so remembers and reinscribes Israel's vassal status and subjectivity with respect to its suzerain, YHWH. Israel's truth is as loyal and docile vassal in an imperial governmental relationship with its deity.

The Deuteronomy Sabbath command includes a quickly discernable sign of Israel's compliance with the divine command (Deuteronomy 5:12) and therefore its loyalty and docility. In its identification, enumeration, classification, and ordering of who in Israel is to observe the Sabbath command, Deuteronomy specifies that the addressee's ox, donkey, and all livestock are to rest, and repeats that male and female slaves are to rest (5:14). The Exodus Sabbath command does not identify and classify these groups of beings this way. Why does Deuteronomy bother to do so? The answer is because they are the "brown M&M's" of Israelite society.

In a 53 page typed rider to its 1982 World Tour concert contract, the rock band Van Halen stipulated that the local promoter and venue provide the band with "M & M's (WARNING: ABSOLUTELY NO BROWN ONES)."<sup>31</sup> Widely interpreted as an example

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<sup>29</sup> It is worth noting that Deuteronomy never refers to Israel "returning" to the land of Canaan after they come out of Egypt and after their wilderness wanderings. Instead, they are to "go in and take possession of the land I swore to your ancestors" (Deuteronomy 1:8), occupying the land YHWH is giving the people (Deuteronomy 4:1), phrasing that suggests they were not in possession of that land prior to entering Egypt. Support for this idea comes from the statement in Deuteronomy 26:5 that Israel's ancestor was "a wandering Aramean." If Israel was not a people and not in possession of a land prior to the journey to Egypt, then this provides additional support for the idea YHWH is a foreign king with respect to the people's life in Egypt. Because they were in Egypt during this growth in their population, the people would have become subjects of (and to) Pharaoh. By "delivering" the people from Egypt with a mighty hand and an outstretched arm (from YHWH's perspective), YHWH becomes their suzerain (from the people's perspective). If YHWH is associated with the land of Jacob (i.e. Israel; Deuteronomy 32:9) because it is the land apportioned to YHWH, then he would be "foreign" to the people in the sense of being the king over a different land who comes and takes them from Egypt.

<sup>30</sup> Neo-Assyrian treaties indicate that kings regularly claimed the epithet "king of the world"; see, for example, treaties of Esarhaddon and Assurbanipal (Parpola and Watanabe: Nos. 6 §1, 10 §1).

<sup>31</sup> Caps and underlining original. A copy of this page (40) of the rider is available at *The Smoking Gun*. The associated article about the rider may be found there.

of the excesses of rock bands and rock stars, band members later explained their reasoning for this provision. If they arrived at a venue, went backstage, and spotted a supply of M&M's that included the brown ones, they immediately knew the promoter had not read the rider closely. Like the proverbial canary in a coal mine, brown M&M's suggested other, more important, aspects of the rider and the band's performance (lighting, staging, ticketing) might not have received the attention stipulated in the contract, thereby prompting a careful review of the venue by the band and its crew. Brown M&M's functioned as a quick visual means to determine compliance with the contract and attention to its various details.<sup>32</sup> Oxen, donkeys, all livestock, and male and female slaves resting on the Sabbath perhaps served an analogous function for the writers of Deuteronomy: a quick visual check to determine if Israel, as vassal, was complying with the contract and attentive to its various details. A loyal and docile vassal would be evidenced by all these beings resting on that day, while a disloyal vassal would not.

Similarly to the Exodus Sabbath command, the Deuteronomy Sabbath command helps create the truth about Israel. Israel is a vassal, one expected to be loyal to YHWH, its suzerain. To be vassal is to have a subjectivity and subject position quite different from that created by the Priestly writers. Deuteronomy's Israel is defined by its relationship to a suzerain, one who took them from the control of another god, Pharaoh in Egypt. This Israel is called on, by command, to remember that action by the suzerain one day each week: men, women, children, slaves, oxen, donkeys, all livestock, and resident aliens. Anyone, or any domestic animals, working that day constitutes a violation of the command. The command presents an interruption of economic productivity and life routines, and thus results in a certain cost to the suzerain. But Sabbath rest is a relatively easy way of monitoring compliance with the command and, by extension, the rest of the treaty or book, just like finding brown M&M's backstage during the 1982 Van Halen World Tour. It is a rather ingenious means of signaling Israel's on-going loyalty and docility to YHWH as suzerain and therefore of the truth of and about Israel.

## Conclusion

The Sabbath commands in Exodus and Deuteronomy are similar in that they call for the same action from Israel: rest on the seventh day of each week. The commands establish measurable standards of behavior for Israel and the means to evaluate them. In these ways they create Israel in particular ways, as individuals and a community that acts in this way at this time wherever Israel lives. They also help create different regimes of truth for Israel because each creates a distinctly different form of self-understanding and self-governance.

Sabbath observance based on creation (Exodus) makes a claim that Sabbath is part of the world order governed by the sovereign Creator. By comparison, basing the reason for Sabbath observance on divine actions taken in Egypt (Deuteronomy) makes a different sort of claim. Knowing why one rests on the Sabbath is not part of the natural world, created order, or very fabric of time. Rather, it acknowledges and reinforces an imperial political order in which Israel's god is a foreign god, a suzerain, who acted graciously toward Israel (at

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<sup>32</sup> Klein drew out this analogy for Obamacare, salmon regulation, and scientific grants.

least from the suzerain's perspective), delivered it from domination in another land, made a treaty with these delivered people, and led them to a new location.

The Sabbath command is different in Exodus and Deuteronomy because each version represents a different understanding of who and what is Israel and of what its subjectivity consists. How it does so is important for these different subjectivities. In each case the command, like the rest of the Ten Commandments, establishes a relationship of power with Israel, which is the subject of the law. It does so not simply because the commandment commands, in absolute terms, conformity to its demands. In terms of Israel as subject to the command, it exercises a relation of power through a series of operations that establish knowledge about how Israel acts and what it does in time and space and for what reasons. The command establishes an order to time (one day each week Israel rests from work). It establishes an order of space, since it is in these communities, the ones that accept and self-regulate in accordance with the command, that work stops one day each week. It establishes an order of self-knowledge and practice by regimenting behavior individually and communally one day each week, when Israel rests. It is here, in the self-regulation – or at least the self-knowledge that one *should* self-regulate and rest on the Sabbath – that the power of the relationship with the command is most directly felt. The reasons for Sabbath rest differ in Exodus and Deuteronomy because each command seeks to create a particular subject position for Israel.

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